UNITED STATES GOURTS SOUTHERN DISTRICT OF TEXAS FILED

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

JAN 1 6 2004 JS

MICHAEL M. MILBY, CLERK OF COURT

In re ENRON CORPORATION SECURITIES, DERIVATIVE & "ERISA" LITIGATION

This Document Relates To:

MARK NEWBY, et al., Individually and on Behalf of All Others Similarly Situated,

Plaintiffs,

VS.

ENRON CORP., et al.,

Defendants.

MDL 1446 and Consolidated, Related and Coordinated Cases

Civil Action No. H-01-3624 and Consolidated, Related and Coordinated Cases

MOTION OF BARCLAYS (UNOPPOSED BY LEAD PLAINTIFF) FOR CONFIDENTIALITY ORDER

David H. Braff
Michael T. Tomaino, Jr.
Jeffrey T. Scott
Steven J. Purcell
SULLIVAN & CROMWELL LLP
125 Broad Street
New York, New York 10004
(212) 558-4000
Facsimile: (212) 558-3588

Barry Abrams
Southern District I.D. No. 2138
State Bar No. 00822700
ABRAMS SCOTT & BICKLEY, L.L.P.
700 Louisiana, Suite 1800
Houston, Texas 77002
(713) 228-6601
Facsimile: (713) 228-6605

Attorneys for Defendants Barclays PLC, Barclays Bank PLC and Barclays Capital Inc.

January 16, 2004

(7)

MOTION OF BARCLAYS (UNOPPOSED BY LEAD PLAINTIFF) FOR CONFIDENTIALITY ORDER

Defendants Barclays PLC, Barclays Bank PLC and Barclays Capital Inc. (collectively, "Barclays") respectfully submit this Motion for Confidentiality Order with respect to the documents listed on Barclays' "First Amended Confidential Documents Log" (attached hereto as Exhibit ("Exh.") 1). Barclays has conferred with the Lead Plaintiff in *Newby*, and Lead Plaintiff has represented to Barclays that it does not oppose this Motion. In further support of this Motion, movants respectfully show the Court the following:

- 1. On September 18, 2003, the Court entered an Order on an agreed motion of the Lead Plaintiff and the Bank Defendants providing that any Bank Defendant wishing to file a confidentiality motion with respect to any documents or written discovery produced on or before October 1, 2003 must file such motion on or before October 15, 2003. (*See* 9/18/03 Order.) The September 18, 2003 Order also provides that for documents or written discovery produced after October 1, 2003, the Bank Defendants have 30 days from the date of any such production to file any motion seeking confidential treatment for such documents or written discovery. (*Id.*)
- 2. On October 17, 2003, the Court entered an Order on an agreed motion of the Lead Plaintiff and the Bank Defendants extending until November 3, 2003 the deadline for filing any motion seeking confidential treatment for documents or written discovery produced on or before October 1, 2003. (See 10/17/03 Order.)
- 3. On October 1, 2003, in response to Lead Plaintiff's First Request for the Production of Documents, Barclays produced over 400,000 pages of documents to the document depository in accordance with the Court's July 11, 2003 Scheduling Order. (See 7/11/03 Order.)

- 4. On November 3, 2003, Barclays filed its Motion (Unopposed by Lead Plaintiff) for Confidentiality Order seeking confidentiality protection for a limited number of documents that contained confidential personal information personal telephone numbers and home addresses regarding current or former Barclays' employees. Those documents were listed on Barclays' Confidential Documents Log, which was submitted to the Court together with Barclays' unopposed motion and a supporting affidavit.
- 5. On November 13, 2003, the Court entered a Confidentiality Order (Instrument #1837 in *Newby*, attached hereto as Exh. 2) granting Barclays' unopposed motion. (*See* 11/13/03 Order.)
- 6. On December 17, 2003, Barclays produced an additional 7,300 pages of documents to the document depository. Six documents (or eight pages) of the supplemental production contain the same type of confidential personal information that the Court has already granted confidentiality protection (*i.e.*, personal telephone numbers and home addresses of current or former Barclays' employees). Those documents are listed on Barclays' First Amended Confidential Documents Log under the heading "Documents from 12/17 Production." (*See* Exh. 1.)
- 7. For the foregoing reasons and those set forth in Barclays' unopposed motion for confidentiality order, dated November 3, 2003, Barclays respectfully requests that the Court enter the proposed Confidentiality Order (attached hereto as Exh. 3), which provides that the few pages of documents listed on Barclays' First Amended Confidential Documents Log, and the information reflected therein, (a) shall be used by all parties in the *In re Enron Corporation Securities, Derivative and "ERISA" Litigation* (including all consolidated, related and coordinated cases) (collectively, the "Consolidated Actions"), solely in and for the purposes of

the Consolidated Actions and shall not be disclosed to anyone other than counsel of record in those cases, employees of counsel of record, employees of parties in the Consolidated Actions for the purposes of assisting or consulting with counsel in those Actions or in preparation for or during their depositions or trial testimony, nonparty witnesses during their depositions or trial testimony, experts retained by parties in the Consolidated Actions and the court-ordered mediator in these actions, each of whom shall restrict use and disclosure of such documents, written discovery and information as provided in this paragraph, and (b) shall not be filed with any court without first obtaining the consent of Barclays.

8. Nothing in the proposed Confidentiality Order shall prevent any party to the Consolidated Actions (including but not limited to the Lead Plaintiff in *Newby*) from subsequently challenging Barclays' designation of the documents listed on its First Amended Confidential Documents Log as confidential (including but not limited to seeking appropriate relief from the Court).

9. Barclays has conferred with Lead Plaintiff in Newby, and Lead Plaintiff

has represented to Barclays that it does not oppose this Motion.

Dated: January 16, 2004

Respectfully submitted,

Barry Abrams

State Bar No. 00822700

Southern District I.D. No. 2138

ABRAMS SCOTT & BICKLEY, LLP

Chase Tower, 600 Travis, Suite 6601

Houston, Texas 77002

Telephone: (713) 228-6601 Facsimile: (713) 228-6605

David H. Braff

Michael T. Tomaino, Jr.

Jeffrey T. Scott

Steven J. Purcell

SULLIVAN & CROMWELL LLP

125 Broad Street

New York, NY 10004

Telephone: (212) 558-4000 Facsimile: (212) 558-3588

Attorneys for Defendants Barclays PLC, Barclays Bank PLC and Barclays Capital Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion of Barclays (Unopposed by Lead Plaintiff) for Confidentiality Order has been served on all counsel of record via www.esl3624.com website posting.

Barry Abrams

information - personal phone numbers and/or addresses -This document contains This document contains This document contains his document contains This document contains his document contains This document contains regarding a Barclays **Designation** FIRST AMENDED CONFIDENTIAL DOCUMENT LOG OF BARCLAYS PLC, BARCLAYS BANK PLC AND BARCLAYS CAPITAL INC. employee employee employee employee employee employee employee personal personal personal personal personal personal personal Williams, Richard; Williams, Richard Pullman, Henry; Hancock, Peter Rajguru, Vijay; Cavelli, Helen, Jefferson, Ina; Esposito, Sal; O'Neill, Chris Pierce, Janet, Rody, Gavin; _CC(s) Helen; Jefferson, lan Recipients(s) Rodiea, B; Mayou McKean, George Ritchie, Timothy Unknown Unknown Unknown Unknown Corporate Document | Mayer Brown & Platt Corporate Document ENRON Corporation Clemmens, Robert Lafferty, Dennis Author(s) Boylan, Sean Corporate Document Unknown Corporate Document Unknown Doc. Type E-Mail E-Mail E-Mail 10/12/1999 1/14/1999 1/21/1998 9/18/1998 4/21/1999 2/28/1997 Undated Date BARC 000233405 - BARC 000233410 BARC 000057178 - BARC 000057185 BARC 000108911 - BARC 000108912 BARC 000205353 - BARC 000205363 BARC 000219725 - BARC 000219734 BARC 000229427 - BARC 000229441 Bates Number/Range BARC 000113500

FIRST AMENDED CONFIDENTIAL DOCUMENT LOG OF BARCLAYS PLC. BARCLAYS BANK PLC AND BARCLAYS CAPITAL INC.

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_	-			Calvelli, Helen;		personal
				Sullivan, John; Ward,		information - personal phone
	-	_		Sarah; Brown,	-	numbers and/or addresses -
				William, Mordaunt,		regarding a Barclays
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						This document contains
		_		-		personal
				_		information - personal phone
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		-		-		regarding a Barclays
BARC 000250753	Undated	Corporate Document Unknown	Unknown	Unknown		employee
						This document contains
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					_	regarding a Barclays
BARC 000250866	Undated	Handwritten Notes	Unknown	Unknown		employee
-				-		This document contains
_					_	personal
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						numbers and/or addresses -
				Palmer, Richard;		regarding a Barclays
BARC 000401822 - BARC 000401826	8/30/2000	E-Mail	Jindrich, Scott	McLoughlin, Glenda	Matthews, David	employee
		-				This document contains
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						regarding a Barclays
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						regarding a Barclays
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				Leigh, Preston-Whyte;	_	numbers and/or addresses -
	_			Smith, Brian; Firth,		regarding a Barclays
BARC 000433960	11/25/2001	E-Mail	Woodhams, Martin	Richard		employee

FIRST AMENDED CONFIDENTIAL DOCUMENT LOG OF BARCLAYS PLC, BARCLAYS BANK PLC AND BARCLAYS CAPITAL INC.

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	BARC 000441249	9/21/2001	E-Mail	Woodhams, Martin	de Vitry, Benoit		employee

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FIRST AMENDED CONFIDENTIAL DOCUMENT LOG OF BARCLAYS PLC, BARCLAYS BANK PLC AND BARCLAYS CAPITAL INC.

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					regarding a Barclays
BARC 000441250	9/21/2001	E-Mail	Woodhams, Martin	de Vitry, Benoit	employee
					This document contains
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					information - personal phone
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	=====				regarding a Barclays
BARC 000441669-BARC 000441670	3/26/2001	E-mail	Bell, Nicholas	Nami, Joanna	employee

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United States Courts
Southern District of Texas
ENTERED

NOV 1 3 2003

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

Michael N. Milby, Clark of Court

In re ENRON CORPORATION SECURITIES, DERIVATIVE & "ERISA" LITIGATION

This Document Relates To:

MARK NEWBY, et al., Individually and on Behalf of All Others Similarly Situated,

Plaintiffs,

VS.

ENRON CORP., ct al.,

Defendants.

MDL 1446 and Consolidated, Related and Coordinated Cases

Civil Action No. H-01-3624 and Consolidated, Related and Coordinated Cases

CONFIDENTIALITY ORDER

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Pending before the Court is the Motion for Confidentiality Order filed by Barclays PI.C.

Barclays Bank PLC and Barclays Capital Inc. (collectively, "Barclays"). The Motion requests a

Confidentiality Order. Lead Plaintiff in Newby has represented to Barclays that it does not
oppose the Motion. The Court having considered the Motion is of the opinion that it should be,
and hereby is:

ORDERED that the Motion is granted.

IT IS FURTHER ORDERED that:

1. All documents listed on Barclays' Confidential Documents Log, and the information reflected therein, (a) shall be used by all parties in the *In re Enron Corporation Securities*, *Derivative and "ERISA" Litigation* (including all consolidated, related and



coordinated cases) (collectively, the "Consolidated Actions"). solely in and for the purposes of the Consolidated Actions and shall not be disclosed to anyone other than counsel of record in those cases, employees of counsel of record, employees of parties in the Consolidated Actions for the purposes of assisting or consulting with counsel in those actions or in preparation for or during their depositions or trial testimony, nonparty witnesses during their depositions or trial testimony, experts retained by parties in the Consolidated Actions and the court-ordered mediator in these actions, each of whom shall restrict use and disclosure of such documents, written discovery and information as provided in this paragraph, and (b) shall not be filed with any court without first obtaining the consent of Barclays.

2. Nothing in this Confidentiality Order shall prevent any party to the Consolidated Actions (including but not limited to the Lead Plaintiff in *Newby*) from subsequently challenging Barclays' designation of the documents listed on its Confidential Documents Log as confidential (including but not limited to seeking appropriate relief from the Court).

SIGNED at Houston, Texas, this 22 day of Mover 2003

MELINDA HARMON

UNITED STATES DISTRICT JUDGE